



## DEPARTMENT OF HEALTH & HUMAN SERVICES

Food and Drug Administration  
Rockville MD 20857

OCT 21 2008

Re: Ixempra  
Docket No.: FDA-2008-E-0093

The Honorable Jon Dudas  
Undersecretary of Commerce for Intellectual Property  
Director of the United States Patent and Trademark Office  
Mail Stop Hatch-Waxman PTE  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Director Dudas:

This is in regard to the application for patent term extension for U.S. Patent No. 6,605,599, filed by Bristol Myers Squibb Company, under 35 U.S.C. section 156 et seq. We have reviewed the dates contained in the application and have determined the regulatory review period for Ixempra (ixabepilone), the human drug product claimed by the patent.

The total length of the regulatory review period for Ixempra (ixabepilone) is 3,002 days. Of this time, 2,818 days occurred during the testing phase and 184 days occurred during the approval phase. These periods of time were derived from the following dates:

1. The date an exemption under subsection 505(i) of the Federal Food, Drug, and Cosmetic Act involving this drug product became effective: July 30, 1999.

The applicant claims June 30, 1999, as the date the investigational new drug application (IND) became effective. However, FDA records indicate that the IND effective date was July 30, 1999, which was thirty days after FDA receipt of the IND.

2. The date the application was initially submitted with respect to the human drug product under section 505 of the Federal Food, Drug, and Cosmetic Act: April 16, 2007.

FDA has verified the applicant's claim that the new drug application (NDA) for Ixempra (ixabepilone) (NDA 22-065) was initially submitted on April 16, 2007.

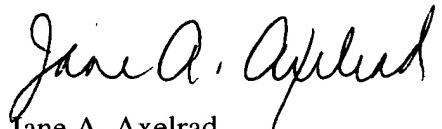
3. The date the application was approved: October 16, 2007.

FDA has verified the applicant's claim that NDA 22-065 was approved on October 16, 2007.

This determination of the regulatory review period by FDA does not take into account the effective date of the patent, nor does it exclude one-half of the testing phase as required by 35 U.S.C. section 156(c)(2).

Please let me know if we can be of further assistance.

Sincerely yours,

  
Jane A. Axelrad  
Associate Director for Policy  
Center for Drug Evaluation and Research

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